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EXAMINER

LUONG, ALAN H

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/501,428	YULE ET AL.	
	Examiner	Art Unit	
	ALAN LUONG	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial Office Action based on the 10/501428 application filed on July13, 2004. Claims 1-18, as continuing of PCT/IB02/05501 filed on 12/12/2002, are currently pending and have been considered below.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "16" and "20" in Fig. 1 have both been used to designate "a filter input unit". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37

CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “a filter input unit 25 in the box receiver 12 as described in line 5, paragraph 0034 of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 6, 18 are objected to because of the following informalities: At line 2 recites “a storage medium”, should be “storage medium”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 7,295,752 to Jain et al.

Regarding claim 3: Fig.1 of Jain illustrates a **device [100] for sending content data, in particular video, which device comprises input means (15)[Analog source 102] for providing the content data** as input signal into Video Cataloger [110] at communication line [103] (col. 3 lines 45-49), **and means (17) as encoder [120] for generating a transmission signal representing the content data** as digital video data communicated to Content server [140] over a network channel [122], **characterized in that the device comprises filter input means (16) [Metadata Server**

130] **for providing a filter for adapting the content data** (col. 3 lines 50-55) upon asset reference from [120] through communication line 132, **and means (18)[110] for generating a filter signal [metadata] representing the filter** (col. 3 lines 40-44).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 8-12, 15 -18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. 2002/0007493 by Butler et al., in view of US Pat. No. 7,295,752 to Jain et al.

Regarding claim 1: Fig. 1 of Butler illustrates a broadcast source [12] and a plurality of receivers [14] in a video broadcast system [10] that supports **a method of transferring content data in particular video (Butler, ¶0013), in which a sender (11) [12] includes means for transmitting or otherwise providing a primary video stream and the content data to receivers 14.(Butler, ¶0015),**

the sender [12] generates a transmission signal (13) representing the content data in traditional broadcast sources, data can be transmitted in the vertical blanking interval of the RF television signal (**¶0016**) or use a modem or other conventional network connection for digital data transmissions (**¶0017**), also using a physical medium

such as a CD-ROM (**¶0018**). Finally, broadcast source 12 broadcasts an analog or digital video stream and provides supplemental digital data files to accompany the video stream with timing specifications (**¶0018**).

the transmission signal is the digital broadcast data in a packetized format such as MPEG--encoded digital video and audio data be **transferred to a receiver (12)** as PC [14] has access means for reading supplemental data files received from a **transmission channel of** satellite broadcasts(**¶0028**). .

the receiver is PCs 14 include video color keying hardware that can be configured to display video only in display areas that are set to a key color, **receives the transmission signal** as digital satellite broadcasts from a satellite dish 15 or a regular antenna for receiving analog TV signals which contains the supplemental digital data content preferably comprises one or more hyperlink overlays. Each hyperlink overlay includes one or more hyperlinks. A hyperlink has a target, indicating some other content (usually stored in a data file) that can be rendered for the viewer. When a hyperlink is activated, PC [14] **retrieves the content data (¶0021, ¶0024- ¶0025, ¶0028)** and **the receiver renders the content data** to display the video stream in conjunction with the hyperlink overlays defined by the HTML files, **characterized in that the sender (11)** [12] **provides the** supplemental digital **content data, (¶0021, ¶0043),**

However, Butler is silent to “a filter for adapting the supplemental digital content data, the sender generates a filter signal (14) representing the filter, the filter signal is transferred to a receiver via the transmission channel, the receiver (12) receives the

filter transmission signal and retrieves the filter, and the receiver processes the content data by the filter”.

In an analogous art directed toward a similar problem namely improving the results from a filter for adapting the supplemental digital content data and the sender generates a filter signal (14) representing the filter. Fig. 8 of Jain illustrates of the entire Video Cataloger software process 420 includes Output Filter registration [478] to register a set of output filters [484] in Output [540] at the time start up of the Video Cataloger [110] (col. 8 lines 19-29), Fig. 9 illustrates **a filter** [564] in Metadata, is managed by the output filter manager [560] during metadata capture **for adapting the supplemental digital content data** (col. 8 lines 42-50). Fig. 1 of Jain illustrates a system [100] indicating **the sender** [102] inputs contents into [110] and encoder [120] by path [103], at [110] **generates a filter signal (14)**[Metadata] which is **representing the filter** 564, **the filter signal is transferred to** [130] by communication line [112], access with video content from server [140] to **a receiver** [150] **via the transmission channel** [142] (**col. 3 line 40-col. 4 line 6**), Fig. 15 of Jain illustrates user at **the receiver (12)** [150] **receives the filter transmission signal** may invoke a GUI command [553] to select filter [564] on the list of output filters and **retrieves the filter** from Index Manager [530], and **the receiver** 150 **processes the content data** in HTML form in a browser [916] associates with the digital video [142] **by the filter** 564 (col. 12 lines 35-66). Therefore, at the time of the invention was made, it would have been obvious to someone with ordinary skill in the art to modify a method of transferring content data in particular video of Butler with the filter transmission signal as taught by Jain, in order to provide a system and method for

video cataloging associated with pre-defined or user definable metadata that is used to index and retrieve encoded video. (See Abstract)

Regarding claim 2. Method of providing a filter to be used in the method of claim 1, Figs. 8 and 9 of Jain illustrate **a processing unit [420]** includes [430], [450], [470] and [440] register **for filtering content data, in particular video**, upon start-up of [110] **in which method a number of filters [484] is made available for selection** under [478], **a client request** from GUI [550] command **is received indicative of a selection of a filter [564]**, Metadata includes [VDF 562], HTML 564], [XML 566], [SMIL 568] and [570] **is a filter signal is generated representing the filter 564** which is managed by [560], **and the filter signal is transferred to the client [150] via a transmission channel (21)** video stream 142 of Fig. 1. **(Jain, col. 8 lines 6-57).**

Regarding claim 8. Filter signal representing content data and a filter for use in the method of claim 1, Fig. 10 of Jain illustrates Audio engine [604] for extracting metadata tracks as the filter (51) being for setting a remote processing unit as a remote digital source for filtering the content data, in particular video. **(Jain, claims 20, 24-25, 27 and 28).**

Regarding claims 9, 10. Filter signal as claimed in claim 8, Figs. 16, 17 of Jain illustrates wherein the filter (51) comprises parameters for filtering streaming video [video frame 896 or clip frame 912] or non-streaming video [closed caption text frame 906] , in which filtering process is only dependent on frames of the video [896, 904] up to a frame to be displayed next or dependent on multiple frames in the video including

frames to be displayed beyond the next frame, respectively (Jain, col. 13 line 10- col. 14 line 43)

Regarding claim 11. Filter signal as claimed in claim 8, Figs. 16, 17 of Jain illustrates wherein **the filter (51)** as [HTML frame filter] comprises a **image structure filter** associated with keyframe image JPEG 900, and/or **an overlay filter** associated hyperlinks.(Jain, col. 13 lines 10-62)

Regarding claim 12. Filter signal as claimed in claim 9, Jain also teaches wherein the filter (51) comprises an audio filter and/or additional audio.(Jain, Fig. 10, col. 9 lines 35-67) .

Regarding claim 15. Butler discloses **a device for receiving content data** is PCs 14 include video color keying hardware that can be configured to display video only in display areas that are set to a key color, **in particular video, which device comprises means for receiving a transmission signal** as digital satellite broadcasts from a satellite dish 15 or a regular antenna for receiving analog TV signals which contains the supplemental digital data content preferably comprises one or more hyperlink overlays. Each hyperlink overlay includes one or more hyperlinks. A hyperlink has a target, indicating some other content (usually stored in a data file) that can be rendered for the viewer. When a hyperlink is activated, PC [14] is **means for retrieving the content data from the transmission signal (¶0021, ¶0024- ¶0025, ¶0028) and means for rendering the content data** to display the video stream in conjunction with the

hyperlink overlays defined by the HTML files, **characterized in that the sender (11)**
[12] provides the supplemental digital content data, (¶0021, ¶0043),

However, Butler is silent to “the device comprises mean (20) receives a filter signal (14) representing a filter, and processing mean (33) processes the content data by the filter”.

In an analogous art directed toward a similar problem namely improving the results from a filter signal (14) representing a filter and processing mean (33) processes the content data by the filter. Fig. 8 of Jain illustrates of the entire Video Cataloger software process 420 includes Output Filter registration [478] to register a set of output filters [484] in Output [540] at the time start up of the Video Cataloger [110] (col. 8 lines 19-29), Fig. 9 illustrates a filter [564] in Metadata, is managed by the output filter manager [560] during metadata capture (col. 8 lines 42-50). Fig. 1 of Jain illustrates a system [100] indicating **the sender [102] inputs contents into [110] and encoder [120] by path [103], at [110] generates a filter signal (14)[Metadata] which is representing the filter 564, the filter signal is transferred to [130] by communication line [112], access with video content from server [140] to a receiver [150] via the transmission channel [142] (col. 3 line 40-col. 4 line 6),** Fig. 15 of Jain illustrates user at **mean (20) of the receiver [150] receives the filter transmission signal** may invoke a GUI command [553] to select filter [564] on the list of output filters and **retrieves the filter** from Index Manager [530], and **the receiver 150 processes the content data** in HTML form in a browser [916] associates with the digital video [142] **by the filter 564** (col. 12 lines 35-66). Therefore, at the time of the invention was made, it would have been obvious to someone with ordinary skill in the art to modify a method of transferring content data in particular video

of Butler with the filter transmission signal as taught by Jain, in order to provide a system and method for video cataloging associated with pre-defined or user definable metadata that is used to index and retrieve encoded video. (See Abstract)

Regarding claim 16. Fig. 2 of Butler also teaches wherein the device comprises means (34) is a video system [66] for rendering said processed content data for display the video stream on monitor [68] in conjunction with the hyperlink overlays defined by the HTML (**Butler, ¶0034, ¶0043**).

Regarding claim 17. Device as claimed in claim 15, Fig. 8 of Jain illustrates the Output Filter Manager 560 as **a selector (36)** for rendering the content data **with the filter** [HTML files] used to generate the display in the browser window 916 (FIG. 17) are completely stand-alone, internally linked HTML, such that no Web server is required **or** It incorporates play-back of digital video 142 from a file or from a video server 140. That is, the digital video may be streamed directly to the browser, or it may simply be played from a local file on disk. The stand-alone aspect is strengthened when the digital video is a local file. This way, all of the content (HTML, keyframes, digital video) could be packaged up, compressed, and e-mailed to someone **without being processed by the filter** [564]. (Jain, col. 12 line 35-col. 13 line 8).

Regarding claim 18. Butler teaches receiver PC 14 for retrieving HTML overlay files from an external source, from storage medium (**Butler, ¶0031, ¶0060**).

3. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 7,295,752 to Jain et al.; in view of US Pub. 2002/0007493 by Butler et al.,

Regarding claim 4: Device as claimed in claim 3, Jain also wherein the device **(the receiver 150 processes the content data** in HTML form in a browser [916] associates with the digital video [142] **by the filter 564** (Jain, col. 12 lines 35-66), but fails to teach “processing means (33) for processing the content data as set by the filter”.

In an analogous art directed toward a similar problem namely improving the results from processing means for processing the content data as set by the filter. Fig. 2 of Butler illustrates a processor [52] is **processing means (33) for processing the content data as set by the filter (Butler, claims 45-50)**. It would have been obvious to someone with ordinary skill in the art at the time of the invention was made to modify the device of Jain with the processing mean as taught by Butler, in order to provide ancillary data along with video broadcasts, along with a scheme for overlaying digital data content on the primary video stream.

Regarding claim 5. Device as claimed in claim 3, Jain is silent to rendering said processed content data for display the video stream.

In an analogous art directed toward a similar problem namely improving the results from rendering said processed content data for display the video stream. Fig. 2 of Butler also teaches wherein the device comprises means (34) is a video system [66] for rendering said processed content data for display the video stream on monitor [68] in conjunction with the hyperlink overlays defined by the HTML **(Butler, ¶0034, ¶0043)**. It would have been obvious to someone with ordinary skill in the art at the time of the invention was

made to modify the device of Jain with rendering said processed content data for display the video stream as taught by Butler, in order to provide ancillary data along with video broadcasts, along with a scheme for overlaying digital data content on the primary video stream.

Regarding claim 6: Device as claimed in claim 3, Jain teaches wherein device comprises filter input means (25) for retrieving a filter , but silent to wherein the device comprises filter input means (25) for retrieving a filter from an external source, from storage medium .

In an analogous art directed toward a similar problem namely improving the results from retrieving a filter from an external source, from storage medium. Butler teaches receiver PC 14 for retrieving HTML overlay files from an external source, from storage medium (Butler, ¶0031, ¶0060). It would have been obvious to someone with ordinary skill in the art at the time of the invention was made to modify the device of Jain with retrieving a filter from an external source as taught by Butler, in order to provide ancillary data along with video broadcasts, along with a scheme for overlaying digital data content on the primary video stream.

Regarding claim 7. Device as claimed in claim 3, Fig. 7 of Jain illustrates wherein the device comprises means for transmitting the transmission signal [404] and the filter signal [406, 408, 410, and 412] (Jain, col. 7 lines 6-23) but fails to teach “as a combined message”.

In an analogous art directed toward a similar problem namely improving the results from a combined message". Fig. 4 of Butler illustrates wherein the device comprises means for transmitting the transmission signal [step 220: transmitting a video stream] and [step 222: formatting data files in a graphical language] as a combined message [step 226]. (Butler, ¶0050-¶0053). It would have been obvious to someone with ordinary skill in the art at the time of the invention was made to modify the device of Jain with a combined message as taught by Butler; in order to provide ancillary data along with video broadcasts, along with a scheme for overlaying digital data content on the primary video stream.

4. Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. 2002/0007493 by Butler et al., and US Pat. No. 7,295,752 to Jain et al.; in view of US Pat. No. 6,289,165 to Abecassis.

Regarding claim 13. (currently amended) Neither Jain nor Butler teaches record carrier (41) on which a filter signal as claimed in claim 8 is provided in a track (42) in which information patterns represent the filter signal, the filter being for setting a remote processing unit for filtering content data, in particular video.

In an analogous art directed toward a similar problem namely improving the results from record carrier (41) on which a filter signal is provided in a track (42) in which information patterns represent the filter signal. Fig. 8A of Abecassis illustrates a video disc 801 is **record carrier (41)** contains the recording area 811 comprises a multitude of quasi-concentric tracks forming one or multiple spiral tracks and a first reading unit 821 is a **track (42)** directed by the segment scheduler to retrieve video information in which

information patterns represent the filter signal corresponding to the desired frames 4112-5109 of a first, or current, video segment from the video source. (Abecassis, col. 29 lines 8-51 and col. 30 lines 24-36). It would have been obvious to someone with ordinary skill in the art at the time of the invention was made to modify the device of Jain and Butler with record carrier (41) on which a filter signal is provided in a track (42) as taught by Abecassis; in order to provide many capabilities and functions of DVD player as fast-forward, fast rewind,, skip-forward to the beginning of the next chapter, and to skip-backwards to the beginning of the current chapter and a previous chapter, the option to turn on/off the subtitles, and if turned on, to select the language of the subtitle, select language of the audio, cameral angles, and multiple content versions.

Regarding claim 14. Record carrier as claimed in claim 13, Abecassis also teaches wherein the record carrier comprises a computer program product for processing content information according to the filter (col. 22 line 41 to col. 23 line 19).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./

Examiner, Art Unit 2623

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623